

**UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF NORTH CAROLINA  
CHARLOTTE DIVISION  
CASE NO. 3:23-CV-00405-FDW-DCK**

**HULL LOGISTICS, LLC  
JONATHAN HULL,**

**Plaintiffs,**

**v.**

**WERNER ENTERPRISES, INC.  
ECM TRANSPORT, LLC  
ROY LAUMONT PAPE SR.,**

**Defendants.**

**ORDER**

**THIS MATTER** is before the Court *sua sponte* as to the status of this case. At Docket Call on September 9, 2024, this Court continued this matter and offered counsel a peremptory trial setting to be determined at a later date. Mindful of the need for finality and judicial efficiency, the Court will set trial in this matter for December 9, 2024. All parties shall make the necessary arrangements to proceed to trial including ensuring the availability of counsel and witnesses, either through live testimony or *de ben esse* deposition. Docket Call and a pretrial conference shall take place at 9:01 a.m. on December 9, 2024, in Courtroom #5B, Charles R. Jonas Federal Building, 401 West Trade Street, Charlotte, NC, with jury selection to begin immediately following Docket Call.

In preparation for an anticipated September 2024 trial date, the parties have already submitted pretrial filings. In the event the parties can resolve any evidentiary or other disputes raised in their pretrial filings before the new trial date, the Court directs the parties to confer, revise their jointly prepared proposed pretrial order, and submit a supplemental version no later than November 27, 2024, or otherwise inform the Court that the parties do not have any changes. The

supplemental filing shall include the parties' estimate of time for trial. The parties are directed to file updated witness and exhibit lists no later than December 6, 2024.


**IT IS THEREFORE ORDERED** that this matter is continued from the Court's November 4, 2024, trial setting to a peremptory setting of December 9, 2024, with Docket Call to take place at 9:01 a.m. on December 9, 2024, in Courtroom #5B of the Charles R. Jonas Federal Building.

**IT IS FURTHER ORDERED** that a supplemental jointly proposed pretrial order is due by November 27, 2024, and updated witness and exhibit lists shall be filed by December 6, 2024.

**IT IS FURTHER ORDERED** that the parties' respective motions to present testimony via *de ben esse* deposition, (Doc. Nos. 34, 37), are DENIED as MOOT without prejudice to refiling consistent with the Court's Case Management Order and including information specific to the new trial date.

**IT IS SO ORDERED.**

Signed: October 8, 2024

  
Frank D. Whitney  
United States District Judge